

EXHIBIT B

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN PATRICK DURNING,

Defendant.

Case Number:
6:22-cr-00102-WWB-RMN-1

Orlando, Florida
June 22, 2023
Volume 3 of 3
9:02 A.M. - 9:19 P.M.

**REDACTED TRANSCRIPT OF JURY TRIAL
BEFORE THE HONORABLE WENDY W. BERGER
UNITED STATES DISTRICT JUDGE**

APPEARANCES:

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Proceedings recorded by real-time mechanical stenography.
Transcript produced by computer-aided transcription.

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1 maintain those conditions pending sentencing.

2 THE COURT: Any further argument from the Government?

3 MR. FELICETTA: No, Your Honor.

4 THE COURT: Is he a resident of Orlando or a resident
5 of California?

6 MR. LASNETSKI: He is a resident of California, and
7 he's from Orlando with family in Orlando. So he's been staying
8 here with family for a couple of weeks in preparation for this
9 trial.

10 THE COURT: Does this count require mandatory remand?

11 MR. FELICETTA: No, Your Honor. It's not a mandatory
12 remand.

13 THE COURT: What's the -- let me look at the --

14 MR. FELICETTA: His guidelines are between three and
15 four years, I believe, since there's no acceptance of
16 responsibility.

17 I could tell you that the defendant has abided by the
18 terms of pretrial supervision with the exception of one
19 incident. There was a violation filed in August of last year.
20 That violation occurred shortly after he was arrested and
21 released. That had to do with an incident in a restaurant
22 where he apparently consumed too much alcohol and got into a
23 physical altercation with his then-girlfriend. The probation
24 department recommended that they change the conditions from
25 abstaining from excessive alcohol to no alcohol, and since then

1 there's been no violations that I've been aware of.

2 **THE COURT:** Okay. Mr. Durning, the Court is going to
3 revoke your pretrial release and remand you into custody
4 pending sentencing.

5 I'm going to order a presentence investigation report
6 in your case and set your case for sentencing --

7 **THE COURTROOM DEPUTY:** September 26th at 10:30 A.M.

8 **THE COURT:** -- September 26th at 10:30 A.M.

9 The Court will be in recess.

10 **MR. FELICETTA:** Thank you, Your Honor.

11 (Proceedings concluded at 9:19 P.M.)
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